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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/522,791	09/22/2005	Kiyotaka Yasuda	8007-1087	6850

466 7590 02/02/2010  
YOUNG & THOMPSON  
209 Madison Street  
Suite 500  
Alexandria, VA 22314

EXAMINER
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YANCHUK, STEPHEN J

ART UNIT	PAPER NUMBER
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1795

NOTIFICATION DATE	DELIVERY MODE
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02/02/2010

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

DocketingDept@young-thompson.com

***Response to Arguments***

1. Applicant's arguments have been received and have been fully considered and are persuasive. The rejection of Rivers has been withdrawn.
2. Applicant's arguments have been received and have been fully considered and are persuasive. The rejection of Sugikawa has been withdrawn.
3. Applicant's arguments have been received and have been fully considered and are persuasive. The rejection of Tamura has been withdrawn.
4. The rejection of Kawakami is being maintained. The structure was created with a powdery materials that would result in the existence of voids in the anode. The applicant is encouraged to further define the voids in order to overcome the art of record.
5. The rejection of Kawakami is not being maintained. Kawakami teaches all the elements claimed. Additional elements do not change the electrode away from the prior art, specifically since the applicant has used the words "comprising". The teachings of a porous anode would read on the element 6, but Kawakami fails to teach a proper active material.
6. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., interstice between individual active material particles) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

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The applicant has defined voids here as being interstices between individual active material particles. This concept is known based on thermodynamics wherein no structure is perfectly crystalline, especially on the surface. Thermodynamics also proves that interstitial spots exist in all solid materials. The examiner believes that the applicant is attempting to claim the voids of element 5 or 6 but has not overcome these known scientific principles.

/PATRICK RYAN/

Supervisory Patent Examiner, Art Unit 1795